

### **REMARKS**

Claims 1-42 were submitted in an After Final Amendment on May 5, 2009, on May 27, 2009 an Advisory Action was issued indicating that the amendments would not be entered. In the After Final Amendment, submitted May 5, 2009, claims 1, 12 and 26 were amended and new claims 37-42 presented. In this submission, claim 43 has been added. As a result claims 1-43 are pending for examination with claims 1, 12, and 26 being independent claims. No new matter has been added.

### **Examiner Interview**

Applicant wishes to thank Examiner Harper and Examiner Laneau for the courtesies extended to the Applicant's Representative during the Interview of May 5, 2009. During the course of the Interview, Examiner and Applicant's Representative discussed the outstanding rejections of the claims, over the cited reference, and in particular with respect to WO 00/69535 A1 to Fisk (hereinafter Fisk). Applicant's Representative and Examiner Harper discussed how the claims distinguish over the Fisk reference. In particular, Applicant's Representative identified the claim language presented in the amended claims directed to "wherein the alternative method of entry (AMOE) is provided for free" as distinguishing over the instant win ticket award disclosed in Fisk. Although agreement was not reached, Applicant's Representative and Examiners agreed in principle that Fisk did not explicitly disclose an "alternative method of entry (AMOE) is provided for free." Examiners did, however, identify preprinted bingo cards on newspapers that should be considered when making an amendment.

On May 12, 2009 an Interview Summary was issued. The Interview Summary indicated that agreement with respect to the claims was reached, but in the comments that "no agreement was made in regard to the patentability of the instant claims over the prior art." (Advisory Action, p.1). Applicant's Representative wishes to clarify that no agreement was reached with respect to the claims.

On May 27, 2009 an Advisory Action was issued indicated that further search and/or consideration would be required. Accordingly, Applicant submits the following amendment and remarks outlining the discussion in greater detail for the Examiners consideration in conjunction with a Request for Continued Examination.

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 1-2, 4-10, 12-14, 18-20, 22-23, 26-31 and 33-34 under 35 U.S.C. §102(b) as being anticipated by WO 00/69535 A1 to Fisk (hereinafter Fisk).

Applicant respectfully submits the following remarks in response, traversing the rejection.

Further, Applicant has amended claim 1 to further define the Applicant's contribution to the art.

Fisk discloses a computer network which manages multiple simultaneous bingo games having a potentially large number of bingo cards. (Abstract). Fisk describes managing the computational burden associated with the multiple simultaneous bingo games by utilizing a computer network. (Fisk, p. 5 lns 6-19). Fisk also provides the ability of a player to participate in the bingo game by validating a bingo card received from a number of possible sources. (Fisk, p. 8 lns 12-13). Specifically, pre-printed bingo cards are distributed electronically to public locations, in advance of the game, for example through lottery networks to lottery machines, through ATM networks to ATMs, or by printing bingo cards in available spaces on instant lottery game pieces. (Fisk, p. 8 lns 13-16). "A player, having chosen a preferred pre-printed card, can then validate the card to participate in a bingo game *by submitting payment* for the game, and the identifier of the card (which may be typed or bar-coded onto the pre-printed card). (Fisk, p. 8 lns 20-22). "After the player has delivered payment for entering into the bingo game, the player then receives 70 a receipt for the entry, typically including an identification number or alphanumeric code." (Fisk, p. 13, lns 15-17).

Fisk also discloses bingo cards 40 ... preprinted on newspapers. (Fisk, p. 13, lns 29-32), and using an instant win game to provide entries into the bingo game. (See Fisk, p. 14, lns 7-11). "When bingo cards are preprinted on instant win tickets that are distributed currently by state lotteries, the instant win game may be readily used to advertise and encourage participation in the bingo game." (Fisk, p. 14, lns 7-9). "One type of instant *winning ticket* may give the holder a free entry into the bingo game." (Fisk, p. 14, lns 9-11) (emphasis supplied). Further, Fisk discusses that "pre-printed bingo cards may also be pre-paid, in that no additional fee is required to enter the game." (Fisk, p. 14, lns 13-14).

In summary, Fisk contemplates paying for *any entry* obtained into the bingo game disclosed in Fisk, whether the entry is obtained using a payment account, (Fisk, p. 12, lns 31-32;

p. 13, lns 1-3; p. 13, lns 4-6; and p. 13, lns 9-11), by first purchasing an instant win ticket and winning an entry, or by using a pre-paid preprinted bingo card. (Fisk, p. 14, lns 7-11 and 13-14).

In contrast claim 1, as amended recites a method for conducting a game. The method comprises providing for primary method of entry of at least one player in at least one game session of a wagering game, wherein the act of providing for the primary method of entry in the at least one game session includes an act of processing a wager having monetary value, providing, to the at least one player, an alternative method of entry (AMOE) to the at least one game session of the wagering game, wherein the alternative method of entry provides a free method of entry into the at least one game session of the wagering game, wherein the alternative method of entry (AMOE) is provided for free, executing the wagering game for the at least one player, and determining at least one winner from a plurality of players entered into the at least one game session, wherein at least one of the plurality of players entered the at least one game session of the wagering game through the primary method of entry, and wherein at least one of the plurality of players entered the at least one game session of the wagering game through the alternative method of entry (AMOE).

Fisk does not disclose, teach or suggest claim 1, as amended. In particular, Fisk does not disclose, teach or suggest “providing, to the at least one player, an alternative method of entry (AMOE) to the at least one game session of the wagering game, wherein the alternative method of entry provides a free method of entry into the at least one game session of the wagering game, wherein the alternative method of entry (AMOE) is provided for free,” as recited in claim 1, as amended. Rather, Fisk discusses providing an entry as an award for an instant win ticket purchased through a state lottery. Contrary to the Examiner’s interpretation, Fisk does not disclose “the use of instant win tickets found with newspapers,” (Office Action, p. 3), rather Fisk discloses “when bingo cards are preprinted on instant win tickets” they “are distributed currently by state lotteries.” (Fisk, p. 14, lns 7-11). Additionally, Whether the entry is obtained using a payment account, over an ATM network, through a telephone network, through a lottery terminal (Fisk, p. 12, lns 31-32; p. 13, lns 1-3; p. 13, lns 4-6; and p. 13, lns 9-11) or by first purchasing an instant win ticket and winning an entry (Fisk, p. 14, lns 7-11), Fisk does not teach, disclose or suggest “the alternative method of entry (AMOE) is provided for free,” as recited. Therefore Fisk does not disclose teach or suggest claim 1 as amended.

As Fisk does not disclose teach or suggest claim 1, claims 2-11, 36 - 43 are allowable for at least the same reasons.

#### Independent Claim 12

Claim 12, as amended, recites a wagering game. The wagering game comprises a computer system, having a display through which a game player plays the wagering game, wherein the computer system is further adapted to execute a game session of the wagering game for at least one of a player entered through a primary means of entry and at least one player entered through an alternative means of entry, a primary means of entry for entering a game session of the wagering game, wherein the primary means of entry further comprises a wager processing means for processing a wager having monetary value, and an alternative means of entry for entering the game session of the wagering game, wherein a game player enters the game session of the wagering game through the use of an alternative method of entry (AMOE), and wherein the alternative method of entry (AMOE) is provided for free.

As discussed above, with respect to claim 1, Fisk is directed to a bingo game where a player pays for *any entry* obtained. Whether the entry is obtained using a payment account, over an ATM network, through a telephone network, through a lottery terminal (Fisk, p. 12, lns 31-32; p. 13, lns 1-3; p. 13, lns 4-6; and p. 13, lns 9-11) or by first purchasing an instant win ticket and winning an entry (Fisk, p. 14, lns 7-11), Fisk does not teach, disclose or suggest providing “an alternative means of entry for entering the game session of the wagering game, wherein a game player enters the game session of the wagering game through the use of an alternative method of entry (AMOE), and wherein the alternative method of entry (AMOE) is provided for free,” as recited in claim 12, as amended. Rather Fisk discloses facilitating payment methods for entry. As Fisk does not disclose, teach or suggest claim 12, claims 13-24 which depend from 12 are allowable for at least the same reasons.

#### Independent Claim 25

Claim 25, as amended, recites a computer-readable medium having computer-readable information stored thereon that define instructions that, as a result of being executed by a computer, instruct the computer to perform a method for conducting a game. The method comprises acts of providing for primary method of entry of at least one player in at least one

game session of a wagering game, wherein the act of providing for the primary method of entry into the at least one game session includes an act of processing a wager having monetary value, providing, to the at least one player, an alternative method of entry (AMOE) to the at least one game session of the wagering game, wherein the alternative method of entry provides a free method of entry into the at least one game session of the wagering game, wherein the alternative method of entry (AMOE) is provided for free, executing the wagering game for the at least one player, and determining at least one winner from a plurality of players entered into the at least one game session, wherein at least one of the plurality of players entered the at least one game session of the wagering game through the primary method of entry, and wherein at least one of the plurality of players entered the at least one game session of the wagering game through the alternative method of entry (AMOE).

As discussed above, with respect to claim 1, Fisk is directed to a bingo game where a player pays for **any entry** obtained. Whether the entry is obtained using a payment account, over an ATM network, through a telephone network, through a lottery terminal (Fisk, p. 12, lns 31-32; p. 13, lns 1-3; p. 13, lns 4-6; and p. 13, lns 9-11) or by first purchasing an instant win ticket and winning an entry (Fisk, p. 14, lns 7-11), Fisk does not teach, disclose or suggest providing “providing, to the at least one player, an alternative method of entry (AMOE) to the at least one game session of the wagering game, wherein the alternative method of entry provides a free method of entry into the at least one game session of the wagering game, wherein the alternative method of entry (AMOE) is provided for free,” as recited in claim 25, as amended. Rather Fisk discloses facilitating payment methods for entry. As claims 26-35 depend from claim 25, they are allowable for at least the same reasons.

Accordingly, withdrawal of this rejection is respectfully requested.

#### Rejections Under 35 U.S.C. §103

The Office Action rejected claims 3, 15, 21, 32 and 36 under 35 U.S.C. §103(a) as being unpatentable over Fisk WO 00/69535 (hereinafter Fisk). As discussed above Fisk fails to disclose teach or suggest the independent claims from which 3, 15, 21, 32 and 36 depend. Therefore, claim 3, 15, 21, 32 and 36 are allowable for at least those reasons. Furthermore, Applicant respectfully disagrees with the Examiner’s allegations regarding mere design considerations.

One of skill in the art would understand that games of chance and games of skill are fundamentally different. Indeed games of chance and games of skill occupy different classifications even within the USPTO. For at least these reasons, Applicant respectfully requests withdrawal of this rejection.

The Office Action rejected claims 11, 17, 24 and 35 under 35 U.S.C. §103(a) as being unpatentable over Fisk in view of U.S. Patent No. 6,102,400 to Scott (hereinafter Scott).

Scott does not cure the deficiencies discuss above with respect to the independent claims from which claims 11, 17, 24 and 35 depend. Therefore they are allowable for at least those reasons.

Moreover, Scott discusses a bonus payout (a “bad beat” bonus payout) with respect to play of conventional keno games. (Abstract). In Scott, each player makes an initial ante wager to be eligible to play the game. (Col. 4, lines 12-13). Each player also has the option to make a side bet wager to be eligible for the “bad beat” feature. (Col. 4, lines 15-17). Alternatively, the player does not need to make a side bet to participate in the “bad beat” bonus, rather the initial entry is sufficient. (Col. 7, lines 39-43). In summary, Scott requires payment in order to win the “three free games” (Col. 10 lines 4-5) cited in the Office Action. (See Office Action, p. 7).

Therefore, Scott cannot cure the deficiencies discussed above with respect to Fisk. Moreover, Scott teaches away from the use of an alternative method of entry that is provided for free by requiring payment. Last the alleged combination of Fisk and Scott cannot teach or suggest “the alternative method of entry (AMOE) is provided for free” as recited in claims 1, 12 and 25.

Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. R0586-701110.

Respectfully submitted,

*Mark E. Herrmann et al., Applicants*

By: /Matthew H. Grady/

Matthew H. Grady, Reg. No. 52,957  
Edward J. Russavage, Reg. No. 43,069  
LOWRIE, LANDO & ANASTASI, LLP  
One Main Street  
Cambridge, Massachusetts 02142  
Telephone: 617-395-7000  
Facsimile: 617-395-7070

June 5, 2009